

**Minutes
Public Hearing Meeting
of the
Louisville Metro Air Pollution Control Board**

April 19, 2017

A public hearing of the Louisville Metro Air Pollution Control Board was called to order on April 19, 2017, at 10:03 a.m. in the Edison Room, at 701 W. Ormsby Ave., Louisville, Kentucky, by the Chairman, Dr. Robert Powell. Other Board members present were: Mr. Steve Thomas, Vice Chairman, Mr. Carl Hilton, Mr. Bill Jacob, Mr. Ron Thomas, and Dr. Geoffrey Cobourn.

General Statement, Rules, and Purpose

The Chairman read the opening announcements, rules, and purpose of the public hearing, which was to review the following matters:

1. Agreed Board Order with Kosmos Cement Company

Mr. Paul Aud, Industrial Permitting Manager, asked the Board to consider and adopt a proposed Agreed Board Order that provides for the development of a source-specific ambient air-monitoring site for SO₂ in the area of predicted maximum impact south of the Kosmos Cement Company and the previously designated nonattainment area. The company agreed to the terms of the Order.

On August 5, 2013, the United States Environmental Protection Agency designated a roughly 1.6 square mile portion of southwestern Louisville Metro in and around the Louisville Gas & Electric Company Mill Creek Electric Generating Station as nonattainment for the 2010 1-hour Primary SO₂ National Ambient Air Quality Standard of 75 parts per billion (ppb). Mill Creek is the sole stationary source of SO₂ emissions within the nonattainment area.

LG&E recently completed substantial improvements to the air pollution control equipment at Mill Creek. The Kentucky Division for Air Quality and the Louisville Metro Air Pollution Control District conducted regulatory modeling of Mill Creek in accordance with federal guidance that, with the improvements, does not predict emissions in excess of the 1-hour SO₂ NAAQS. All other sources impacting the nonattainment area were modeled and accounted for in background ambient monitoring data. A 1-Hour SO₂ Plan for the Louisville/Jefferson County, Kentucky nonattainment area, which further discusses this modeling, and demonstrates that the area will timely attain the 1-hour SO₂ NAAQS, is the subject of another public hearing later this morning.

As a result of earlier modeling of the Kosmos Cement Company by DAQ and the District, the District has determined it is necessary to conduct ambient air quality monitoring to better characterize the ambient concentrations of SO₂ in the vicinity of Company's facility and determine whether those SO₂ emissions violate the SO₂ NAAQS outside the nonattainment area as required by Regulation 3.01.

The proposed air monitoring station will become part of the District's air monitoring network once approved by US EPA. If at the conclusion of the proposed three-year monitoring period, the three-year average of the annual (99th percentile) of the daily maximum 1-hour average concentrations exceeds the 1-hour SO₂ NAAQS, the company is required to submit a written plan of necessary remedial measures for approval by the District within 6 months and full implementation of those measures within 30 months of submitting its written plan.

Mr. Aud recommended on behalf of the District that the Board adopt the proposed Agreed Board Order with Kosmos Cement Company.

No statements were made.

2. Proposed Revised 1-Hour SO₂ Attainment Plan for the Louisville/Jefferson County, Kentucky Nonattainment Area

Mr. Byron Gary stated that the District is accepting public comment today on a revised 1-Hour SO₂ Attainment Plan for the Louisville/Jefferson County, Kentucky Nonattainment Area. In August 2010 the US EPA promulgated a revised one-hour National Ambient Air Quality Standard or "NAAQS" for SO₂ of 75 parts per billion, averaged over three years.

In August 2013 the EPA designated a small area of the farthest southwestern corner of Jefferson County as nonattainment for this new standard. The area is primarily the property of the Louisville Gas & Electric Mill Creek Generating Station, and a portion of the neighborhood immediately to its north.

In order to meet new emissions standards for power plants promulgated by EPA around this same time, the Mill Creek facility added significant new controls, including new flue gas desulfurization units, which have substantially decreased emissions of SO₂. The District has placed new limits relating to these controls in the Title V Permit for the Mill Creek facility. The attainment plan relies primarily on these new controls to achieve attainment. As a result of these emissions reductions, ambient concentrations of SO₂ in the nonattainment area have decreased precipitously. Monitoring for 2016 shows a design value for the past three years of 76 ppb, and a one-year concentration of 17 ppb. Monitoring thus far in 2017 shows a 99th percentile concentration of 28 ppb. The District anticipates, and the attainment demonstration shows, that the partial nonattainment area is expected to be in attainment before the required attainment date of October 2018.

The attainment plan also contains a comprehensive base year and projected emissions inventory, a modeled demonstration of attainment through the nonattainment area, conformity requirements, provisions for new source review in the nonattainment area, and contingency measures in the event attainment is not reached in a timely manner.

Dr. Geoffrey Cobourn asked what the removal efficiency of SO₂ controls at Mill Creek is now compared to pre-installation of the new controls. Mr. Gary responded that the removal efficiency increased from 90% to 98%.

No public comments were made.

3. Proposed Modification of Environmental Acceptability Goals of STAR Program for American Synthetic Rubber Company

Mr. Aud stated that the District had received a Request for Modification from American Synthetic Rubber Company (ASRC) to modify certain environmental acceptability goals under the Strategic Toxic Air Reduction (STAR) program. Mr. Aud stated that this proposal was the subject of the hearing and that the District was not proposing to amend the STAR program regulations.

The STAR program was adopted in 2005 in response to concerns about air toxics in west Louisville. Some of those in the room today were involved in the public process of developing and passing the STAR regulations. The regulations require large companies to characterize and quantify their toxic air contaminant emissions and compare them to the environmental acceptability goals of the STAR program. For non-industrial property – places where people live and play -- the goal is 1 in a million from a single chemical from a single process and 7.5 in a million for all chemicals from all sources at that facility. For industrial property, the goals are adjusted by a factor of ten. The regulations also provide for modifications of these goals if a company uses the “best available technology for toxics,” or T-BAT, to achieve the maximum reduction in – and risk from – toxic emissions for those goals that it is seeking to modify.

ASRC is seeking to modify the environmental acceptability goals on non-industrial property for emissions of 1,3-butadiene from two separate processes -- its flare and fugitive emissions. ASRC’s modification request does *not* modify the cumulative plant-wide environmental acceptability goal of 7.5 in 1 million for non-industrial property. ASRC has also applied to modify the environmental acceptability goals on industrial property for fugitive emissions of 1,3-butadiene, including the cumulative plant-wide environmental acceptability goal of 75 in a million. It may amend its original Request for Modification in the future.

ASRC has proposed its Flare Thermal Oxidizer as T-BAT for emissions from its flare, which now serves as a back-up control device. Proposed T-BAT for fugitive emissions include enhanced Leak Detection and Repair, replacement of all rupture disks in 1,3-butadiene service, reduced thresholds for first attempt at repairs, and reduced leak repair time frames.

If the District approves a modification, the regulations require that a company re-evaluate T-BAT every five years when it renews its operating permit. The regulations also provide that the District may require a company to implement a revised T-BAT at any time if it would achieve greater compliance with the original environmental acceptability goals.

Additional details about ASRC’s request for modification and proposed enforceable permit conditions are available on the District’s website. A second public comment period has been opened and a second public hearing on the request for modification will be held on May 17,

2017, at 6:00 p.m. in this room. If ASRC revises its Request for Modification, the District will extend the public comment period and notify the public via legal notice in the Courier-Journal, gov.delivery, and by posting on the “Proposed Actions” portion of our website. Any documents related to a revised submittal will also be posted there.

Public comments, whether submitted in writing or made as part of a public hearing, will become part of the record. A written response to comment document will be made available at the time the District makes a final determination on ASRC’s Request for Modification.

Statements

Guillaume Coiraton, American Synthetic Rubber Company, explained ASRC’s Request for Modification and detailed the company’s emissions reductions to date, in support of its request.

Eboni Cochran representing REACT and Kentucky Resources Council; Anthony Silver – Park Duvall Resident; Councilwoman Jessica Green – District 1; Barbara Boyd representing Kentucky Alliance Against Racism and Political Oppression; Donovan Taylor representing the Chickasaw Neighborhood Federation; George Brown representing the West End; Carolyn Embry – Citizen; Annette Stromm – Citizen; Scheree Downing – Citizen; Casey Shepherd – Citizen; Bonnie Hudson – District 5 Resident; David Snowden – Pastor and Resident of Chickasaw Neighborhood, all opposed approving ASRC’s Request for Modification.

Aja Barber representing Center for Health Equity explained the role of the Center for Health Equity. Corinne Greenberg representing KCHMM explained the history of the STAR Program and how it works.

Rachael Hamilton clarified that APCD was not revising the STAR regulations, but seeking comment on ASRC’s Request for Modification.

Adjourn

The meeting was adjourned at 11:53 a.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer